**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 295 OF 2005**

Vahid Mohammed Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. A.Q. Ansari, Advocate for Applicant

Mr. S.R. Shinde, A.P.P. for State.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 29TH JUNE, 2005**

**P. C.:-**

1. Heard both sides.

2. The applicant is seeking discharge in Sessions Case No. 88 of 2004 pending before the Sessions Court at Satara. The said case pertains to C.R. No. 162 of 2001 of Satara City Police Station. The said case is mainly under Section 376 of I.P.C.

3. In the said case the prosecutrix Benzir Arif Jamadar has specifically stated that one Raju Khan committed rape on her on three occasions. She has specifically stated that in the last week of March, 2001 Raju Khan came to her house alongwith one Najmool Khan and the present applicant and that Raju

Khan forcibly committed rape on her. As per the prosecutrix, rape was committed on her on all occasions under threat and when Raju Khan committed rape on her the other accused persons stood in the door. In view of the material collected by the prosecution it cannot be said that there is no material to proceed in respect of the applicant. In this view of the matter, no case is made out for discharge. Application is rejected.

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